

SENATE BILL REPORT

ESSB 5907

As Passed Senate, March 16, 2005

Title: An act relating to affirming that cities and counties planning under chapter 36.70A RCW retain the ability to accommodate state projected population growth within urban growth areas without requiring a minimum residential density.

Brief Description: Affirming that cities and counties planning under chapter 36.70A RCW retain the ability to accommodate state projected population growth within urban growth areas without requiring a minimum residential density.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Kastama, McCaslin and Rasmussen).

Brief History:

Committee Activity: Government Operations & Elections: 2/24/05, 3/1/05 [DPS, DNP, w/oRec].

Passed Senate: 3/16/05, 30-17.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5907 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin and Pridemore.

Minority Report: Do not pass.

Signed by Senator Benton.

Minority Report: That it be referred without recommendation..

Signed by Senators Roach, Ranking Minority Member and Mulliken.

Staff: Genevieve Pisarski (786-7488)

Background: Jurisdictions that plan under the state's Growth Management Act (GMA) are required to designate urban growth areas (UGAs) in which new development is supposed to be concentrated at an urban density to ensure that public facilities and services can be provided efficiently and to encourage affordable housing. They are also required to accommodate population projections for their area and are given discretion to make choices about accommodating growth.

In the Central Puget Sound region, the Growth Management Hearings Board has interpreted urban density to mean four or more dwelling units per acre, unless there is a clear rationale. Lower density is subject to increased scrutiny by the board. Rationale for lower density includes protection of environmentally sensitive areas, if it is used infrequently and does not constitute a pattern over large areas.

Summary of Bill: Rural counties with a population density under 100 persons per square mile or smaller than 225 square miles, as determined by the Office of Financial Management, are given discretion to choose a pattern of appropriate urban density within UGAs and must not be required to establish a uniform minimum residential density applicable to every property.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Local governments are supposed to implement GMA without micro-management by the hearings boards. The OFM population projection for the City of Puyallup is 50,000 by 2022; the city will meet it by 2010 and will have 60,000 by 2020, under its current comprehensive plan and development regulations. The City of Bellevue has acted responsibly to implement GMA goals and meet required targets; it is more than accommodating population projections, as well as implementing housing and transit requirements. Capacity is not the same as actual housing; it just provides a device for court challenges. Automatic infill doesn't always work for redevelopment of old neighborhoods that have lower density; capacity has to be tailored to local needs. A requirement of four dwelling units per acre is not in statute and was not intended to be. It interferes with covenants and property owners' expectations and investments. As long as local governments accommodate their projected population, exactly how they do it should be left to their discretion, although there could be some appropriate standards that could be adopted, affirming their responsibilities, but not imposing a rigid mandate, maybe in the form of some clarifying language. This bill doesn't undo anything in the GMA; it just removes a basis for challenge by those who don't like a local government's approach. It's important to affirm the policy on urban density and the state's interest in it; there could be refinements to address problems like inequity among neighborhoods. Retain the words "accommodate growth" in the current law to maintain counties' flexibility to prevent density that should remain inside urban growth areas.

Testimony Against: Infill and density are not the solution to the problem, which is lack of buildable lands as a result of environmental regulations. This problem drives housing costs up by limiting availability. The GMA was intended to encourage housing choices, affordability, and diversity. Some cities are doing well, but this bill could have unintended consequences like unnecessary expansion of urban growth areas and creation of ghettos. Cities have choices now for spreading urban density more evenly and using land wisely; under the current rule, King County has increased dwelling units by over 6,000. This bill could lead to 86 different definitions of density and 2 unit/acre sprawl, which is not the intent of the GMA. The current rule does not require uniform density; it establishes a floor and provides exceptions and flexibility.

Who Testified: PRO: Bronston Kenney; Kathy Turner, Mayor, City of Puyallup; Claudia Balducci, Mayor, City of Bellevue; Dave Williams, AWC; Leonard Bauer, CTED; Paul Parker, WSAC.

CON: Andy Cook, BIAW; Bradley J. Collins, APA; Genesee Adkins, Tim Trohimovich, Futurewise.